

III TGJ/FOU

September 17, 1998

PRH SUPPLEMENT 3.4 R4 AND R5 DISCIPLINARY APPEALS

TO: ALL REGION II CENTER DIRECTORS
ALL REGION II JOB CORPS CIVILIAN
CONSERVATION CENTER DIRECTORS THROUGH
AGENCY PARTNERS
ALL REGION II JOB CORPS CONTRACTORS

SUBJECT: Region 2 Disciplinary Appeal Process - Student
File Format

1. PURPOSE: To establish a standard format for the contents of student disciplinary files which are sent to the Regional Office in response to student appeals of disciplinary terminations.

2. BACKGROUND: The PRH in Chapter 3 establishes the requirement that students who are terminated from Job Corps centers for disciplinary reasons have the right to appeal the termination to the Regional Office Appeal Board. The purpose of the Regional Appeal Board is to insure that proper procedures have been followed, as evidenced by the contents of the disciplinary folder. Current procedures require that a student's disciplinary file be sent to the Regional Office when a student appeal is received. It is important that all information pertinent to the charge(s) for which the student has been terminated, be contained in the disciplinary file so that the Appeal Board can evaluate the facts surrounding each case.

3. ACTION: For all disciplinary appeals which are received in the Regional Office after September 15, 2003, only the attached forms will comprise the student disciplinary file. Forms should be clear and legible and will be **fastened** in a **regular letter size manila** folder (not a 6-part folder) and sent to the Regional Office to the attention of the Regional Appeal Board. A description of the required forms is as follows:

INCIDENT REPORT: This report should only contain details for the incident which led to the termination. Do **NOT** include all of a student's previous incident reports in the folder.

CSO INVESTIGATIVE STATEMENT, Form BOR 1: Statement prepared by the CSO detailing the facts which led to the termination. This report should clearly indicate the CSO's evaluation of the validity of witness statements and should provide background information to support the charges against the student. In cases where there are no direct witnesses, the report should contain the CSO's investigation of the actual events in the case. Student accusations against other students which are presented without supporting information from the CSO will probably lead to appeals which are sustained by the Regional Appeal Board.

REMEMBER: The nature of the final charge which is made against the student should be determined by the CSO in concert with the Center Director. Specific charges should NOT be decided by the staff member(s) writing the incident report.

STUDENT VOLUNTARY STATEMENT, Form BOR 2: This form will be used for the student who has been charged in the incident, to provide his/her written statement for either a Fact Finding or a regular CRB. It should be signed by the student. If the student does not want to make a written statement, he/she should sign the bottom of the form indicating that no statement was given. It is important that students be encouraged to submit this written statement, since in the case of the Fact Finding review board, they will not have the opportunity to represent themselves in person. Students should be instructed that their statements should contain the names of witnesses whenever possible. This will provide the CSO with information for a more thorough investigation.

WITNESS STATEMENT, Form BOR 3: This form is to be completed by all staff members or students who witnessed the incident which led to the termination. Witness statements should be taken only from persons who actually observed the event - hearsay statements should be avoided.

STUDENT RAP SHEET (if applicable): This form should contain a record of the student's previous disciplinary

offenses. A printout from the center's CIS system could be substituted or attached to the RAP sheet. This information will only be used to support terminations which are not mandatory ZT offenses (Level 5.1a), but where the Center Director chooses to terminate the student. This is particularly important in cases of "Persistent Failure."

STUDENT EVALUATION, Form BOR 4: (CRB Cases Only) This form should be completed by the student's counselor, showing the latest evaluation of the student's progress (ESP). The information will be used by the Regional Appeal Board to evaluate mitigating circumstances, or to support cases where the Center Director has chosen to terminate a student for a Level 2 or Level 3 offense.

SUMMARY OF REVIEW BOARD HEARING, PRH - 7 Appendix 701: This form is currently used by all centers.

CENTER DIRECTOR'S REVIEW BOARD DECISION, Form BOR-5: This format will be used to provide written notification to students of their termination. The letter can be given in person to students who are terminated after a CRB, but must be mailed to students who have been sent home prior to a Fact Finding Board. A copy should be placed in the student's disciplinary file.

STUDENT APPEAL, Form BOR-6: This form should be given to each student who goes before a CRB, and to each student who is charged with a Level 5.1 offense who is sent home pending a fact finding board.

Student disciplinary files should **NOT** contain any other material. Examples of documents which are no longer needed in the folders include: Student "Drug Free" statement, ballots from CRB members, pictures of evidence, actual pieces of evidence, individual evaluations from teachers, and copies of negative and positive incident reports other than the one leading to the termination.

INQUIRIES: Questions pertaining to this instruction should be addressed to your GAR

RECISSIONS: This PRH supplement supercedes and replaces RFI 98-03.

LYNN A. INTREPIDI
Regional Director
Office of Youth Services & Job Corps

Attachments

BOR-1 Investigative Report
BOR-2 Student Voluntary Statement
BOR-3 Witness Statement
BOR-4 Student Evaluation Form
BOR-5 Center Director's Review Board Decision
BOR-6 Student Appeal Form

_____ Job Corps
Center

Center Standards Officer - Investigative Report

Date: _____ Student Name: _____

Charge(s):

Describe the events that led to this Review Board. Be factual and specific. Provide sufficient evidence to support the facts of the case. Include any investigative information and present all relevant facts related to this incident or the student's behavior. Include any mitigating circumstances. Be sure to include this report in your Review Board Case File.

CSO Signature:

Page _____ of _____ BOR-1

_____ Job Corps
Center

Student Voluntary Statement

Date: _____ Time: _____
Student Name: _____

1. _____ I choose not to make a statement.
2. _____ The following statement, to the best of my knowledge, is a truthful account of the facts collected. I have made this statement of my own free will, without undue duress or coercion. The statement was made on the above date and time to _____
_____.

Student Signature: _____

_____ Page _____ of _____ BOR-2

Staff Signature: _____

_____ Job Corps
Center

Witness Statement

Date: _____ Time: _____
Staff/Student Name: _____

The following statement, to the best of my knowledge, is a truthful account of the facts collected. I have made this statement of my own free will, without undue duress or coercion. The statement was made on the above date and time to _____
_____.

Student Signature: _____

_____ Page _____ of _____ BOR-3

Staff Signature: _____

_____ Job Corps
Center

Student Evaluation Form

Do not use this form for Zero Tolerance Offenses

Date: _____ Student Name: _____

Provide an evaluation of the student's performance on Center:

Vocational Training or OEP:

Education:

Residential Living:

Other:

_____ Describe how the student has been adjusting and how the student has performed in the past. Include any relevant information related to the student's behavior, conduct, and performance.

_____ ESP panel reports
or other reports may be included as attachments.

Counselor Signature:

_____ BOR-4

Center Director's Review Board Decision

_____ Job Corps

Center

To:

From:

Re: Center Director's Decision of a Disciplinary Discharge

On _____, a Center Review Board was
held for the following charge(s):

The Center Director has agreed with the Center Review Board
and you have received a Disciplinary Discharge from the
Center.

You do have the right to appeal this discharge decision to the
Regional Appeal Board:

Regional Appeal Board
U.S. Department of Labor-ETA
Office of Youth Services & Job Corps
170 So. Independence Mall West, Suite 815 East
Philadelphia, Pennsylvania 19106

You may request assistance in preparation of the appeal, but
you still have only 30 days from the date of your termination
to submit your appeal to the Regional Office.

Attached is an appeal form that must be mailed within 30 days
after your termination. Your appeal must be received by

_____.

CC: Student
 Review Board Folder
BOR-5

RIGHT TO APPEAL

**Send to: US Department of Labor Office of Job Corps
 170 S Independence Mall West Suite 815 E
 Philadelphia PA 19104**

I have been informed of my right to have 30 days in which to submit my appeal. If I decide to appeal I may be given the assistance of any individuals to prepare the written and signed statement

Student Name	Center Name	SSN or Student ID	Date

Check One: (If additional space is needed, use reverse side or attach sheets)

_____ **I elect NOT to appeal**

_____ **I elect TO appeal**

Student Signature and Date

BOR 6